

Notice of Allowability

Application No.

09/698,362

Examiner

George Eng

Applicant(s)

POUND, PHILLIP S.

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/20/2004.
2. ☒ The allowed claim(s) is/are 2-4,6-9,13-17,21,22,24,42-44,47 and 49-53.
3. ☒ The drawings filed on 27 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

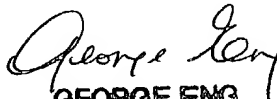
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


GEORGE ENG
PRIMARY EXAMINER

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. Claims 2-4, 6-9, 13-17, 21-22, 24, 42-44, 47 and 49-53 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Applicant's invention is drawn to an efficient method and apparatus for providing animated images of a participant during a packet-based network call so that the images of each participant are updated using less bandwidth than conventional video transmission (i.e., a first telecommunications device engaging in real-time interactive communications with a remote party for exchanging of audio, video and text data, comprising a controller for communicating Session Initiation Protocol messaging over a packet-based network to establish a packet-based call session, receiving information associated with at least one physical attribute of the remote party during the packet-based call session and at least one of phone number and name associated with the packet-based call session, animating at least a portion of an image associated with the remote party based on received information, displaying the animate image during the packet-based call session, determining whether the image associated with the remote part is stored locally based on at least one of the phone number and name associated with the packet-based call session, and accessing the image stored in the first telecommunications device if it is determined that the image the image associated with the remote part is stored locally, otherwise, accessing the image from another device over the packet-based network).

Applicant's independent claims 52 and 53 each recite, *inter alia*, an apparatus to animate images of a participant during a packet-based call session with a structure as defined in the specification (pages 5-14) including a controller adapted to communicate Session Initiation

Art Unit: 2643

Protocol messaging over a packet-based network to establish the packet-based call session, animate at least a portion of the electronic representation of image based on the animating information received in the packet-based call session, receive calling party information associated with the packet-based call session, access the image based on the calling party information, determine whether the image is stored locally in the apparatus, access the image locally in response to determine that the image is stored locally, and access the image over the packet-based network in response to determine that the image is not stored locally. Applicant's invention of claims 52 and 53 comprise a particular combination of element, which is neither taught nor suggested by the prior art.

Applicant's independent method claim 51 recites, *inter alia*, establishing a packet-based call session with a remote party over an Internet Protocol network, receiving information associated with at least one physical attribute of the remote party during the packet-based call session, animating at least a portion of an image associated with the remote party based on the received information, receiving at least one of a phone number and name associated with the packet-based call session at a receiving device, determining whether the associated with the remote part is stored locally based on at least one of the phone number and name associated with the packet-based call session, accessing the image stored locally in the receiving device in response to determining that the image is stored locally, and accessing the image from another device over the Internet Protocol network in response to determining that the image is not stored locally. These steps, in combination of the remaining steps, are neither taught nor suggested by the prior art.

Art Unit: 2643

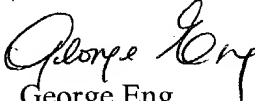
Accordingly, Applicant's claims are allowed for these reasons and the reasons recited by Applicant in Amendments filed 3/25/2003 and 8/15/2003.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


George Eng
Primary Examiner
Art Unit 2643